IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.

NOTICE OF MOTION NO.151 OF 2006
IN
WRIT PETITION NO. 2350 OF 2005

Ventura Textiles Lmited ..Petitioner
v/s.
Income Tax Officer, Ward-9(3)(4),
Mumbai and others .. Respondents

Mr.S.R.Chauhan for the applicant in support of notice of motion.

Mr.A.K.Jasani for the petitioner to show cause.

CORAM : R.M. LODHA &
J.P.DEVADHAR, JJ.

DATED : 31ST MARCH, 2006.

P.C.

Heard Mr.S.R.Chauhan, counsel for the revenue.

2. By the order dated 20th September, 2005, the Division Bench of this court while disposing of the writ petition expected the appellate authority to dispose of the appeal as expeditiously as possible and at any rate within three months from the date of the order.

3. The appellate authority did not dispose of the appeal within three months and made an application by way of notice of motion

No.665 of 2005 for extension of time by six months for disposal of the appeal.

4. By the order dated 20th December, 2005, considering the fact that certain information has to be obtained from outside India, this court extended time for disposal of the appeal until the end of March, 2005.

5. The appeal has not been disposed of despite the extension of time granted on 20th December, 2005 and by this notice of motion again prayer is made by the appellate authority for extension of time by six months for disposal of appeal.

6. The counsel for the revenue reiterates the reason which was put forth while seeking extension on the earlier occasion that the information that was to be obtained from outside has not been received.

7. We are afraid, for the stated reason time and again, the time for disposal of the appeal cannot be extended.

8. If an order is passed by the court to an authority for disposal of the proceeding within the particular time frame, the authority is expected to proceed with the matter in such a manner that the direction is complied with and proceeding is disposed of within time. In the present case, the extension has already been given

once but still the appeal has not been disposed of by the appellate authority.

9. By way of last chance, we extend the time for disposal of the appeal by 30th April, 2006.

Notice of motion stands disposed of.

(R.M.LODHA, J.)

(J.P.DEVADHAR, J.)